

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,)	
)	
Plaintiff,)	
)	
v.)	Honorable Sean F. Cox
)	
City of Detroit, <i>et al.</i>)	Case No. 77-71100
)	
Defendants.)	
_____)	

**NOTICE OF THE UNITED STATES
REGARDING THE DWSD’S MOTION FOR INTERIM ORDER**

The United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), hereby notifies the Court and Parties as follows in regard to the DWSD’s Motion for Interim Order:

The Michigan Department of Environmental Quality (“MDEQ”) recently informed EPA about a proposal that the Detroit Water and Sewerage Department (“DWSD”) was considering that recommended, *inter alia*, a dramatic reduction in staffing levels within DWSD’s wastewater treatment plant and combined sewer overflow operations. EPA has not had the opportunity to review and evaluate the potential effect and implications of the proposal on DWSD’s compliance with the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and its NPDES permit, including the operation and maintenance requirements contained therein. To the extent that actions by this Court on DWSD’s Motion for Interim Order may open the way for DWSD’s initiation of the implementation of that proposal, EPA seeks to notify this Court and the parties of its interest in

having the opportunity to meaningfully undertake an evaluation of the proposal prior to any such action.

During the period of its evaluation of the proposal, EPA plans to work with both MDEQ and DWSD. To that end, managers and staff from EPA already are planning to meet with managers and staff from MDEQ on Tuesday, October 16, 2012, to discuss and evaluate the current situation. The meeting is intended to provide further clarification on a path forward.

With this notice, EPA is not taking any position on any aspect of the proposal before DWSD.

Accordingly, EPA seeks a period of forty-five (45) days to evaluate the potential impacts of the proposal on CWA compliance and asks this Court not to take any actions that would open the way for DWSD to initiate implementation of the proposal prior to that time. DWSD has not reported any violations of its NPDES numeric limitations on solids since November 2011 and has not reported any other NPDES numeric effluent limitation violations since March of this year. Therefore, nothing in the record would indicate that immediate commencement of the implementation of the proposal is required.

Respectfully Submitted,

FOR THE UNITED STATES OF AMERICA

s/ with consent of Annette M. Lang

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CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record and that I caused copies of same to be mailed via U.S. mail as follows:

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